

REMARKS/ARGUMENTS

In view of the remarks and arguments below, Applicant believes the pending application is in condition for allowance.

I. Status of the Claims

No claim amendment is made.

Claims 1-14 are pending. They are presented herein as a courtesy to the Examiner.

II. Rejection of Claims 1-5 over Schrof in view of Becher

The Examiner has maintained the rejection of claims 1-5 for alleged obviousness over United States Patent Application Publication No. 2004/0266626 to Schrof et al. ("Schruf") in view of United States Patent No. 6,908,882 to Becher et al. ("Becher"). The Examiner contends that Schrof in combination with Becher renders claims 1-5 obvious. Applicant respectfully traverses the rejection.

Claim 1 recites "[a]n agricultural and horticultural water dispersible granule comprising an agricultural chemical compound of which a melting or softening point is 70°C or below, a salt of N-acylamino acid, and an adsorbent carrier."

The Examiner asserts that it would have been obvious to a person of ordinary skill in the art at the time of the present invention to combine the teachings of Schrof and Becher to utilize an acylated amino acid or derivatives thereof together with an agricultural chemical compound and a carrier.

In Applicant's July 30, 2008 Response, the Applicant submitted a Declaration under 37 CFR § 1.132 in support of nonobviousness of the pending claims (hereinafter the "July 30, 2008 Declaration"). In the July 30, 2008 Declaration, the Applicant provided evidence that even if an acylated amino acid is utilized together with an agricultural chemical compound whose melting

point is more than 70°C and a carrier in accordance with the teachings of Schrof and Becher, the underwater disintegrability and dispersibility are not improved. The Applicant continued: [i]n contrast, as described in the present Specification, if a salt of N-acylamino acid is utilized together with an agricultural chemical compound whose melting point or softening point is 70°C or below and an adsorbent carrier, the underwater disintegrability and dispersibility are significantly improved. Such effects are not taught or suggested by Schrof or Becher.” In response, in the current Office Action, the Examiner asserts that the July 30, 2008 Declaration is not persuasive because the Applicant did not present specific evidence therein of nonobviousness over Schrof and Becher by conducting a side-by-side comparison (i.e., comparative data) with the data of Schrof and Becher. More specifically, in the instant Office Action, the Examiner stated that “there is no evidence ... that shows that under the same conditions and weight proportions, the combination of the same acylated amino acids (disodium N-stearoyl-L-glutamate) in the presence of an agricultural chemical compound [with] a melting point [that] is less than 70 °C ... and a carrier gives unexpected results.

In response, Applicant’s submit herewith a second Declaration under 37 CFR § 1.132, containing the evidence requested by the Examiner. As can be seen from the results depicted in Table 2, addition of an acylated amino acid to an agricultural compound with a melting point less than 70 °C (Bellkute/Carplex XR, which has a melting point of 60 °C), as in Sample 3 (*see* Table 1) dramatically and unexpectedly improves dispersion relative to the same agricultural compound without the acylated amino acid (*see* Sample 4 in Table 1). However, addition of an acylated amino acid to an agricultural compound with a melting point greater than 70 °C (Pyributicarb, which has a melting point of 85.7-86.2 °C), as in Sample 1 (*see* Table 1) does not dramatically improve dispersion relative to the same agricultural compound without the acylated amino acid (*see* Sample 2 in Table 1). As Declarant Yoshio Nakamura states, the dramatic improvement of dispersability that occurs upon addition of an acylated amino to an agricultural compound with a melting point less than 70 °C is quite unexpected in light of the teachings of Schrof and Becher, which do not show any improvement of dispersability upon addition of an acylated amino to an agricultural

compound with a melting point greater than 70 °C. Thus, instant Declaration provides evidence of unexpected results over the prior art.

At least for this reason, Applicant respectfully submits that it would not have been obvious to a person of ordinary skill in the art at the time of the present invention to formulate an agricultural chemical compound whose melting point or softening point is 70°C or below, a salt of N-acylamino acid, and an adsorbent carrier, to obtain an agricultural and horticultural water dispersible granule as recited in claim 1 based on the disclosures of Schrof and Becher. Thus, claim 1 is not obvious over Schrof in view of Becher.

Claims 2-5 depend from claim 1. Therefore, at least for the same reason as stated above with respect to claim 1, Applicant respectfully submits that Schrof and Becher, either alone or in combination, do not render claims 2-5 obvious. Accordingly, Applicant respectfully requests that the rejection of claims 2-5 over Schrof in view of Becher be withdrawn.

VI. Rejection of Claims 6-8 over Schrof in view of Becher and Ogawa

Claims 6-8 are rejected under 35 U.S.C. § 103(a) as unpatentable over Schrof in view of Becher and further in view of United States Patent No. 5,945,114 to Ogawa et al. ("Ogawa"). The Examiner contends that Schrof in combination with Becher and Ogawa renders claims 6-8 obvious. Applicant respectfully traverses the rejection.

Claims 6-8 depend from claim 1. Ogawa is cited by the Examiner for its disclosure of carriers and amounts thereof, and for its disclosure of naphthalenesulfonic acid/formalin condensate and lignosulfonates. Therefore, Ogawa does not provide any teaching that rebuts the unexpected results over the combined teachings of Schrof and Becher as shown above and evidenced by the Declaration submitted herewith. Thus, Ogawa cannot cure the deficiencies of Schrof and Becher. Thus, for the same reasons as provided above for claims 1-5, claims 6-8 are not obvious over Schrof in view of Becher and further in view of Ogawa.

Specifically, similarly to Schrof and Becher as discussed above in relation to claim 1, Ogawa does not teach or suggest that underwater disintegrability and dispersibility would be significantly improved by utilizing a salt of N-acylamino acid together with an agricultural chemical compound whose melting point or softening point is 70°C or below and an adsorbent carrier. Accordingly, it would not have been obvious to a person of ordinary skill in the art at the time of the present invention to formulate an agricultural chemical compound whose melting point or softening point is 70°C or below, a salt of N-acylamino acid, and an adsorbent carrier, to obtain an agricultural and horticultural water dispersible granule as recited in claims 6-8 based on the disclosures of Schrof, Becher, and Ogawa.

At least for these reasons, Applicant respectfully submits that Schrof, Becher, and Ogawa, either alone or in combination, do not render claims 6-8 obvious. Accordingly, Applicant respectfully requests that the rejection of claims 6-8 over Schrof in view of Becher and further in view of Ogawa be withdrawn.

VII. Rejection of Claims 9-14 Schrof in view of Becher and Alt

Claims 9-14 are rejected under 35 U.S.C. § 103(a) as unpatentable over Schrof in view of Becher and further in view of United States Patent No. 4,600,433 to Alt ("Alt"). The Examiner contends that Schrof in combination with Becher and Alt renders claims 9-14 obvious. Applicant respectfully traverses the rejection.

Claims 9-14 depend from claim 1. Alt is cited by the Examiner for its disclosure of N-acylmethyltaurate as a wetting agent in a water dispersible granule. Therefore, Alt does not provide any teaching that rebuts the unexpected results over the combined teachings of Schrof and Becher as shown above and evidenced by the Declaration submitted herewith. Thus, Alt cannot cure the deficiencies of Schrof and Becher. Thus, for the same reasons as provided above for claims 1-5, claims 9-14 are not obvious over Schrof in view of Becher and further in view of Alt.

Specifically, similarly to Schrof and Becher as discussed above in relation to claim 1, Alt does not teach or suggest that underwater disintegrability and dispersibility would be significantly improved by utilizing a salt of N-acylamino acid together with an agricultural chemical compound whose melting point or softening point is 70°C or below and an adsorbent carrier. Accordingly, it would not have been obvious to a person of ordinary skill in the art at the time of the present invention to formulate an agricultural chemical compound whose melting point or softening point is 70°C or below, a salt of N-acylamino acid, and an adsorbent carrier, to obtain an agricultural and horticultural water dispersible granule as recited in claims 9-14 based on the disclosures of Schrof, Becher, and Alt.

At least for these reasons, Applicant respectfully submits that Schrof, Becher, and Alt, either alone or in combination, do not render claims 9-14 obvious. Accordingly, Applicant respectfully requests that the rejection of claims 9-14 over Schrof in view of Becher and further in view of Alt be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that claims 1-14 are in immediate condition for allowance and it is respectfully requested that the application be reconsidered and that the pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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ATTACHMENT